

REMARKS

Claims 1-9 and 13-15 are pending. New claim 16 has been added and is supported by Figure 5A. Claims 6 and 13 have been amended to correct typographical errors, thereby obviating the Examiner's rejection to claim 6. In the above referenced Office Action, the pending claims have been rejected under 35 U.S.C. 103(a) as being obvious over Kelm (US 5486215) in view of Spillman (US 5631102). Applicant respectfully traverses the rejections and requests a withdrawal of all rejections as set forth below.

Claim 1 is directed to a separator subassembly for an electrochemical cell including: "an elongated separator layer; and a spacer layer coupled to a portion of the elongated separator layer so that when an anode subassembly is enveloped within the elongated separator layer, the spacer layer aligns with and overlaps a surface-mounted anode current collector of the anode subassembly."

Kelm discloses an electrochemical cell including an anode having a separator material pressed into the anode alkali metal. As the Examiner states, Kelm fails to disclose a spacer layer. The Examiner contends that Spillman teaches a spacer layer. Spillman discloses an electrochemical cell including a separator insert that necessarily covers the leading edge of one of the electrodes in the cell (col. 4, lines 30-33). Nowhere does Spillman teach, suggest or imply that the separator insert is coupled to or bonded to a separator to form a separator subassembly. In fact, Spillman's separator insert 40 is shown in Figures 2 and 3 to be positioned around the cathode 18 and is neither inserted in nor coupled to separator 28 which is sealed around anode electrode 16 (col. 3 lines 19-26). As such, the separator insert 40 described by Spillman appears to be no more than an additional separator provided around the cathode electrode 18 in addition to the separator 28 provided around the anode electrode 16. Merely providing a separator material around an electrode in and of itself is not new. The notion that an added separator around an electrode is a separator subassembly including a "spacer insert coupled to the elongated separator" is an improper reading of the claim language. Even when combined, the references

fail to render the pending claims obvious to a skilled artisan in that neither reference teaches, suggests, or implies, among other things, a spacer layer coupled or bonded to the separator layer. For at least this reason, the Applicant respectfully submits that the rejection is improper and should be withdrawn.

Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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Date

/Carol F. Barry/
Carol F. Barry
Reg. No. 41,600
(763) 514-4673
Customer No. 27581